

From: [Long, Kenneth \(ENRD\)](#)
To: [Tracy, Brent](#); [Kenney, Edward P.](#); [James Costello/R6/USEPA/US@EPA](#)
Subject: RE: Emailing: ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD
Date: 06/26/2012 01:16 PM
Attachments: [ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD](#)
[ENV_ENFORCEMENT-#2235880-v1-jm_finalsettlementagreement_signatureready_6_26_12.PDF](#)

Oh. Now I understand. We can make that change. I have made the change and have attached the document for signature. Thanks. Ken

-----Original Message-----

From: Tracy, Brent [mailto:Brent.Tracy@jm.com]
Sent: Tuesday, June 26, 2012 1:49 PM
To: Long, Kenneth (ENRD); Kenney, Edward P.; James Costello
Subject: RE: Emailing: ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD

Ken:

We did raise the issue in the February call. But to briefly summarize, the intent wasn't to change the site name or to try to limit anything; rather, just for notice we need to have Marrero included. Beyond Bruce Ray and me, Westbank doesn't mean anything to people at JM without a Marrero notation and certainly won't once people turn over. With no back end on this, if in 20 years we get a notice with just Westbank and only have five days to split samples, it could take 2-3 days just to figure out where the site was. If paragraph 11 said "shall reference the Westbank Site, Marrero, LA and . . ." it would be sufficient for us. That is basically the language you used on the map heading.

Also, once we get a final, assuming this language will work for you, will you please send it in pdf form since neither Ed nor I have Word Perfect?

The map looks good. Thank you for that.

Brent Tracy
Associate General Counsel
Environmental, Health & Safety
Johns Manville
717 17th Street
Denver, CO 80202
Direct: (303) 978-3268
Fax: (303) 978-4842
E-mail: brent.tracy@jm.com

The information contained in this e-mail transmission is confidential and may be protected by the attorney-client and/or the attorney work product privileges. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, printing or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return email or by telephone, collect, and delete the original transmission and any attachments without saving in any manner. Thank you.

-----Original Message-----

From: Long, Kenneth (ENRD) [mailto:Kenneth.Long@usdoj.gov]
Sent: Tuesday, June 26, 2012 10:37 AM
To: Tracy, Brent; Kenney, Edward P.; James Costello
Subject: RE: Emailing: ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD

Hello Ed and Brent: Attached is the final Map (per EPA). I don't know what to make of your comment re paragraph 11 of the Agreement because I don't recall discussing it and don't see how it fits with the rest of the agreement (including the title of the Agreement). EPA's title is Westbank Asbestos Site - it does not refer to Marrero. Otherwise, I am ready to send the final version with your other corrections. Actually, since I am out after today through the rest of the week, I am going to attach the document as corrected and hope this is ready for signature. Thanks. Ken

-----Original Message-----

From: Tracy, Brent [mailto:Brent.Tracy@jm.com]
Sent: Thursday, June 21, 2012 6:41 PM
To: Long, Kenneth (ENRD); Kenney, Edward P.; James Costello
Subject: RE: Emailing: ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD

Ken:

We're very close to the final approvals, but I cannot get the last approval or a signature without a final clean map instead of the markup that we sent to you. Are you guys providing a clean final map along the lines of our markup? Also, I had a paralegal do a final conformance review of the pdf you sent on May 23rd, and while there are no substantive issues, she did note some clerical ones. We should clean those up as well. They are set forth below:

In paragraph 4, the second line, there should be an "in" before "paragraph 67 of the GSO."

In paragraph 5, the first line, the word "response" in "Past Response Costs" should be capitalized. In the sixth line from the bottom of that paragraph, there is a "y" missing in "by" in the phrase "except as limited by the GSO."

In paragraph 10, the parenthetical "map" after Appendix A probably should be capitalized.

In paragraph 11, we had changed the reference to "Marrero Westbank Site" in our last call, but the "Marrero" didn't carry through.

Finally, to be consistent on the signature pages, we should add the name Todd Raba to the JM signature block.

I believe we can have final approval by the Fourth of July if we get a map and a clean version early next week. Is that doable from your side?

Brent Tracy
Associate General Counsel
Environmental, Health & Safety

Johns Manville
717 17th Street
Denver, CO 80202
Direct: (303) 978-3268
Fax: (303) 978-4842
E-mail: brent.tracy@jm.com

The information contained in this e-mail transmission is confidential and may be protected by the attorney-client and/or the attorney work product privileges. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, printing or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return email or by telephone, collect, and delete the original transmission and any attachments without saving in any manner. Thank you.

-----Original Message-----

From: Long, Kenneth (ENRD) [mailto:Kenneth.Long@usdoj.gov]
Sent: Wednesday, June 13, 2012 8:49 AM
To: Long, Kenneth (ENRD); Kenney, Edward P.; Tracy, Brent; James Costello
Subject: RE: Emailing: ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD

Hello Ed and Brent. Please let me know the status of your approval of the final JM settlement agreement. Thank you. Ken

-----Original Message-----

From: Long, Kenneth (ENRD)
Sent: Wednesday, May 23, 2012 4:51 PM
To: 'Kenney, Edward P.'; 'brent.tracy@jm.com'; 'James Costello'
Subject: Emailing: ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD

Here is a revised/final document JM. I made a few format changes which are noted in yellow highlight. I need to substitute the name of the new Superfund Division Director in the signature block. Once I get the name tomorrow, I will send a final PDF for signature. After I receive JM's signature page, I will recommend approval and send through EPA and DOJ management for final approval. The agreement is not final until approved by EPA and DOJ management with final approval authority. Thanks. Ken

Your message is ready to be sent with the following file or link attachments:

ENV_ENFORCEMENT-#2217865-v1-JM_SettlementAgree_Final_5_23_12.WPD

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

TARGET SHEET

SITE NAME: WESTBANK ASBESTOS SUPERFUND SITE

CERCLIS I.D.: LAD985170711

TITLE: ENV_ENFORCEMENT-#2217865-V1-
JM_SETTLEMENTAGREE.WPD

DATE: 01/01/2525

NO. OF PGS. THIS TARGET SHEET REPLACES: UNKNOWN

SDMS #: 90097703 **RELATED #:**

CONFIDENTIAL ? ☐ **MISSING PAGES ?** ☐

ALTERN. MEDIA ? ☒ **CROSS REFERENCE ?** ☐

LAB DOCUMENT ? **LAB NAME:**

ASC./BOX #: ☐

CASE #: **SDG #:**

COMMENTS : THESE FILES ARE OF AN UNKNOWN OR
UNSUPPORTED FORMAT AND CANNOT BE OPENED
AT THIS TIME.